

Determination of NEPA Adequacy (DNA)
U.S. Department of the Interior
Bureau of Land Management

Office: Burns District, Three Rivers Resource Area (RA)

Tracking Number (DNA #): DOI-BLM-OR-B050-2015-0027-DNA

Case File/Project Number: Otis Mountain/Moffet Table Fuels Management Project
Environmental Assessment (EA), OR-06-025-056

Proposed Action Title/Type: Merlie Table Greater Sage-Grouse Habitat Restoration DNA

Location: Moffet Table, Sword's Fenced Federal Range (FFR), Griffin, Shelley, Coal Mine
Creek, Floyd's FFR, Mule Creek, Cooler and Marshall FFR Allotments

Land Description: Willamette Meridian, T. 19 S., R. 34 E., sec. 12, 13, 15, 22–28, 33–36;
Willamette Meridian, T. 19 S., R. 35 E., sec. 7, 16–21, 27–34; Willamette Meridian, T. 20 S., R.
34 E., sections 1–3 (See attached map).

Applicant: Bureau of Land Management (BLM)/Contractor

A. Description of the proposed action and any applicable mitigation measures

The proposed action would be for the BLM Burns District or its contractors to remove western juniper to reduce fuel loads and to restore or maintain sage-steppe habitat on 14,872 acres within the Merlie Table Greater Sage-Grouse Habitat Restoration Area that is designated as Preliminary Priority Habitat (PPH) (See attached map).

Treatments would occur on the following allotments: Moffet Table, Sword's FFR, Griffin, Shelley, Coal Mine Creek, Floyd's FFR, Mule Creek, Cooler, and Marshall FFR. The project area treatment proposals are grouped into two distinct groups, based on the targeted vegetative communities: mountain big sagebrush and low sagebrush/bunchgrass communities and big game browse/deciduous plant communities. The big game browse plant communities include riparian areas, mountain mahogany, and bitterbrush stands. Ten project design elements (PDE), for protection or maintenance of specific resource values, have been incorporated into the proposed action and are listed below.

The proposed action is to utilize various methods of mechanical treatments and prescribed fire to remove piled conifers. Juniper cut and leave or removal by severing and piling followed by prescribed burning of piles will take place as conditions and anticipated funding allow over the next 10 years. The scheduling of the burning of piles during the 10-year implementation period is dependent upon weather, fuel conditions, project funding, and agreements with grazing permittees and cooperating landowners.

Juniper woodland treatments

Mechanical piling and/or hand piling would be used to reduce fuel loading and continuity primarily in areas where conifers have been cut manually. Machine piles are usually 8 to 12 feet tall by 16 to 22 feet wide and would be constructed of previously cut juniper by grapple-equipped excavators in dry or frozen conditions. Hand piles are usually constructed of bucked

slash on ground where machine piles cannot be constructed due to excessive slope or other resource reasons. Hand piles are generally 3 to 5 feet tall by 3 to 5 feet wide. Pile burning would be implemented when soils are saturated or frozen and there is no potential for fire to spread into adjacent plant communities. All piles would be burned within 2 years of construction.

If it is determined to be both economically and environmentally feasible, biomass could be sold and removed. The determination on whether or not biomass could be sold and removed would be determined by (1) the current market for biomass, (2) the ease of removing the biomass (topography, existing roads, right-of-ways), and (3) whether or not there is an environmental or cultural concern with the biomass removal treatment, such as special status species (SSS) habitat or cultural resources. If biomass removal is utilized it would be accomplished using ground-based yarding systems. Removal of woody material due to these treatments would create skid trails and landings. Mechanical felling by hand-held chainsaws is expected on all trees selected for removal. Cut trees would likely be skidded to a landing, loaded on trucks, and hauled off site. Biomass utilization may involve the creation of a small amount of skid trails and the establishment of landing sites. All created skid trails and landings would be closed and rehabilitated once the treatments are completed. These treatments would utilize existing BLM controlled roads. Any rangelands impacted by a piling and burning activity would require application of a seed mix to provide competition against any introduced exotic species.

Conifer cutting - fall and leave or lop and scatter (no burning)

In some situations, conifers (most likely juniper and/or ponderosa pine trees) could be felled, lopped, and scattered under the proposed action. There would be no follow-up burning when this treatment is applied. A conifer cutting only treatment may be applied in mountain big sagebrush and low/stiff sagebrush communities that are in early stages of transition to juniper woodland or as a strategy to reduce juniper encroachment within stands of mountain mahogany or bitterbrush while maintaining existing shrubs.

Project design elements

1. Protect cultural resource values throughout the life of the project. Archaeological sites would be avoided within the mechanical treatment units and activity generated fuels would not be piled within the boundaries of sites. Sites with combustible constituents would be protected during the deployment of prescribed fire by blacklining resources and use of appropriate ignition techniques. The District Fuels Archaeologist would review burn plans prior to project implementation.
2. Protect special status vegetation species throughout the life of the project. Special status plant populations would be avoided within mechanical treatment units if necessary. Fire intolerant sensitive plants would be protected during deployment of prescribed fire by blacklining resources and use of appropriate ignition techniques. The District Fuels Botanist would review burn plans prior to project implementation.
3. Protect special status wildlife species (fisheries and wildlife) habitat throughout the life of the project. Structures or areas with special status species (SSS) habitat value identified

during wildlife surveys would be protected during project implementation. The District Fuels Wildlife Biologist and/or the Three Rivers Fisheries Biologist would review burn plans prior to project implementation.

4. Sites that lack sufficient understory species, such as fully-developed juniper woodlands, may require seeding following a prescribed fire treatment to attain the desired post-treatment response. Mixtures of native and non-native adapted grass, forb (excluding forage kochia), and shrub seed may be applied to designated areas with aerial or ground-based methods. Candidate sites for seeding will be determined on a case-by-case basis as monitoring data is gathered. Once piles have been burned, they would be seeded with a mix of native and desirable non-native plants to reduce the risk of soil erosion and the invasion of noxious weed species such as medusahead rye, cheatgrass, and thistles. Seeding would be implemented by broadcast seeding onto piles burned (approximately 5 percent of total acres treated are burned) and/or drill seeded on acres where the shrubs and perennial grasses have been depleted from juniper tree encroachment which are not expected to recover naturally.
5. Pastures that have been treated with pile burning treatment may be deferred or rested for at least one growing season following burning to allow for recovery of understory species. Pastures may be rested for up to two full years, or for a period that conforms to any new standards for rangeland fire recovery. The determination for rest would be based on site vegetative monitoring by measuring desirable plant maturation and abundance with respect to the ecological site.
6. Maintain suitable big game hiding and thermal cover. Ensure that mountain mahogany stands and conifer islands continue to function as big game cover following treatments. Retain approximately 10 percent of expansion juniper and second growth pine within the project area to provide cover for mule deer and elk.
7. Avoid manual cutting of all conifers with old growth characteristics or obvious wildlife occupation (cavities or nests). Invasive juniper would be treated within a 2-mile buffer around Greater Sage-Grouse leks. Treatment methods would be limited to cutting followed by pile burning within the lek buffers. Cutting treatments would not take place between March 1 and June 15 within one mile of an active lek.
8. Prior to treatment of prescribed fire and mechanical treatment units, noxious weed populations in the area would be inventoried. Weed populations identified in or adjacent to the project area would be treated in accordance with the Noxious Weed Management Program EA OR-020-98-05.
9. Following all applications of prescribed fire, the areas would be monitored for noxious weed invasions (Appendix A, Otis Mountain/Moffet Table Vegetation Management Project Monitoring Plan). Weed populations that are identified in the project area would be treated in accordance with EA OR-020-98-05 or subsequent District vegetation management plan. All vehicles and equipment used during implementation would be

cleaned prior to beginning work and at the close of activities to limit the spread of noxious weeds.

10. Any road damaged by vehicles or equipment would be restored to its previous maintenance intensity level, with special attention placed on installing and improving drainage on the road.

B. Land Use Plan (LUP) conformance

- Three Rivers Resource Management Plan (RMP) Date Approved: September 1992
- The proposed action described above is in conformance with the applicable RMP even though it is not specifically provided for, because it is clearly consistent with the following RMP objectives, goals, and decisions:
 - Supporting RMP Objective:
 - Wildlife 7 (RMP, p. 2-74): Restore, maintain, or enhance the diversity of plant communities and wildlife habitat in abundances and distributions which prevent the loss of specific native plant community types or indigenous wildlife species habitat within the RA.
 - Special Status Species 3.2 (RMP, p.2-60) and Wildlife 7.7 RMP, p. 2-75): Allow no big sagebrush removal within 2 miles of [sage-grouse] strutting grounds when determined by a wildlife biologist to be detrimental to [sage-grouse] habitat requirements.
 - Wildlife 2.2 (RMP, p. 2-68): Maintain browse on at least 85 percent of the acreage in deer and elk winter range currently supporting browse.
 - Vegetation 1 (RMP, p. 2-51): Maintain, restore or enhance the diversity of plant communities and plant species in abundances and distributions, which prevent the loss of specific native plant community types or indigenous plant species within the RA.

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

- Otis Mountain/Moffet Table Fuels Management Project EA (Otis Mountain/Moffet Table EA), Finding of No Significant Impact (FONSI), and Decision Record (DR) (OR-06-025-056-EA), September 17, 2007.
 - Project Objectives:
 - Reduce western juniper encroachment into key wildlife habitat dominated by bitterbrush, mountain mahogany, aspen, or riparian hardwoods by 90 percent within the project area while maintaining habitat values.
 - Reduce post-settlement western juniper density by 90 percent on low sagebrush/bunchgrass ecological sites that are targeted to improve sage-grouse habitat.

- Increase forage available to big game and other wildlife on public and privately owned lands in the project area while retaining adequate cover.
- Greater Sage-Grouse Conservation Assessment and Strategy for Oregon, April 2011.
 - Goals: (1) maintain or enhance the current range and distribution of sagebrush habitats in Oregon, and (2) manage those habitats in a range of structural stages to benefit sage-grouse.
 - Objective: To maintain and enhance existing sagebrush habitats and enhance potential habitats that have been disturbed such that there is no net loss of sagebrush habitat....
- Instruction Memorandum (IM) No. 2012-043, Greater Sage-Grouse Interim Management Policies and Procedures, December 2011.
 - Coordinate, plan, design, and implement vegetation treatments (e.g. pinyon/juniper removal, fuels treatments, green stripping) and associated effectiveness monitoring between Resources, Fuels Management, Emergency Stabilization, and Burned Area Rehabilitation programs to:
 - Promote the maintenance of large intact sagebrush communities;
 - Limit the expansion or dominance of invasive species, including cheatgrass;
 - Maintain or improve soil site stability, hydrologic function, and biological integrity; and
 - Enhance the native plant community, including the native shrub reference state in the *State and Transition Model*, with appropriate shrub, grass, and forb composition identified in the applicable ESD [ecological site description] where available.
 - Where pinyon and juniper trees are encroaching on sagebrush plant communities, design treatments to increase cover of sagebrush and/or understory to (1) improve habitat for Greater Sage-Grouse; and (2) minimize avian predator perches and predation opportunities on Greater Sage-Grouse.
 - Implement management actions, where appropriate, to improve degraded Greater Sage-Grouse habitats that have become encroached upon by shrubland or woodland species.

D. NEPA adequacy criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Yes, the new proposed action as described above is essentially similar to the proposed action analyzed in the Otis Mountain/Moffet Table EA (OR-06-025-056-EA), 2007. The Merlie Table proposed project area is adjacent to the Otis Mountain/Moffet Table project area, and has the same geographic and resource conditions described below. The only difference is the addition of

14,872 acres to the project area which will not use broadcast burning as analyzed in the proposed action of the EA and project design features.

The differences in the Merlie Table Restoration proposed action and the Otis Mountain/Moffett Table EA are: The geographic area of the Merlie Table Restoration proposed action is more similar to the sagebrush steppe ecosystem of the analyzed decision than the ponderosa pine woodlands in the northern parts of the Otis Mountain/Moffett Table project area, and forest underburning is not part of this proposed action.

The location of the additional 14,872 acres would increase the original project boundary to 46,372 acres. The additional acres would be added to the south, down to the Van-Drewsey road, and to the west and east to the 14 Road and Otis Valley Road, respectively. The ecological sites are the same as the mountain big sagebrush (MT Claypan 12-16 PZ and MT South 12-16 PZ) and Wyoming big sagebrush (Clayey 9-12 PZ) ecological sites analyzed in the Otis Mountain/Moffett Table EA.

The proposed action consists of three separate treatments: cut, hand or machine pile, and burn piles. Under each treatment are management objectives and prescribed fire and/or mechanized activities that would be utilized to meet the objectives. Meeting the objectives described under each treatment should, in turn, satisfy the project objectives described in Chapter I, Purpose of and Need for Action. The Activities section describes each of the prescribed fire and mechanical activities that would be utilized to meet the treatment objectives in detail. PDEs are the results of recommendations made by an interdisciplinary team (IDT) and approval by the deciding official. A detailed list of PDEs that pertain to the proposed conifer treatments is presented in Section D of Chapter II (Alternatives Including the Proposed Action) and Section A of this DNA. Treatments of juniper using cutting, machine piling, and pile burning are analyzed in the EA. The proposed action and PDEs would remain the same as those analyzed in the EA. Therefore, an analysis of the effects of the new proposed action would be the same as for the proposed action analyzed in the Otis Mountain/Moffett Table Fuels Management Project EA.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Yes, the Otis Mountain/Moffett Table EA analyzed no action and the proposed action alternatives. The proposed action alternative analyzed management actions necessary to improve or maintain sage-steppe ecosystems in the project area to meet resource objectives for wildlife habitat, diversity of vegetative communities, hydrologic processes, and other abiotic processes such as the nutrient cycle and soil stability.

Following the completion of the 2007 EA, the project area and the proposed project area have been designated as a sage-grouse priority area for conservation (PAC). In addition to the PAC designation, this area is now identified as the Otis Wildfire and Invasive Species Assessment (Otis Fire and Invasives Assessment Tool (FIAT)) project planning area. This area is part of the U.S. Department of the Interior (DOI) BLM Greater Sage-Grouse Wildfire, Invasive Annual Grasses, and Conifer Expansion Assessment Northern Great Basin, March 2015. Similar

treatments are identified in the assessment under the Habitat Recovery and Restoration section for the Otis FIAT planning area.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessments, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes, the analysis of the proposed action in the Otis Mountain/Moffet Table EA remains valid. No new threatened/endangered or special status species have been identified in the project area, since the 2007 EA and the signed FONSI/DR (September 17, 2007). The Greater Sage-Grouse Wildfire, Invasive Annual Grasses, and Conifer Expansion Assessment Northern Great Basin, March 2015, document identifies similar treatments in meeting objectives so this would not change the analysis of treating conifers using mechanical cut and pile treatments in the existing EA. The new proposed action adds 14,872 acres and would impose no change in the analysis of the EA because an analysis of the effects of the new proposed action would show the effects to be similar to the effects of the proposed action that was previously analyzed.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes, the proposed action from the EA analyzed juniper removal, machine piling, and pile burning as proposed in this decision to add 14,872 acres to the project area. Therefore, the direct, indirect, and cumulative effects of the action proposed in this DNA would be similar to those effects analyzed for the proposed action in the Otis Mountain/Moffet Table EA. Cumulative effects to sagebrush habitat with the proposed treatments would not impact or reduce sagebrush cover as would be the case with broadcast burning. However, one difference that would occur would be an increase to the integrity and restoration of sagebrush habitat by removing encroaching pre-European settlement trees when adding the acres of the proposed action. The proposed action, in addition to the Otis Mountain/Moffet Table Fuels Management Project, would increase the acres restored to sage-grouse habitat and population connectivity from approximately 30,000 acres to almost 45,000 acres. These actions would restore sage-grouse habitat of ten active sage-grouse leks at risk to habitat loss caused by encroaching conifers. The new proposed action will be in the sagebrush steppe ecosystem and not in the pine woodlands; forest underburning cumulative effects will not be present in the new action area.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes, the proposed action from the Otis Mountain/Moffet Table EA and the action proposed in this DNA are within close proximity and ecological sites, and the new proposed action would have similar environmental effects. Public involvement, groups of interest (see Section F, Others Consulted), and interdisciplinary review associated with the EA adequately covers the new proposed action. The Burns District sent out a scoping letter notifying the public of the DNA process and inviting them on a scoping tour of the proposed project area which took place on

April 2, 2015. Two interested parties made it to the tour, Oregon Department of Fish and Wildlife (ODFW) and the Burns Paiute Tribe Fish and Wildlife Department, and their responses to the process were in favor of the proposed action to restore sagebrush habitat for sage-grouse and other associated sagebrush obligate species. Oregon Wild sent comments and concerns by email during the scoping period that stated their support for restoring sage-grouse habitat, but with concerns regarding removal of pre-settlement trees (addressed in the PDEs), building roads (not part of the proposed action), and effects to other cultural resources such as sensitive plants (addressed in the PDEs and currently not known to be present in the proposed project area). The Oregon Natural Desert Association (ONDA) expressed concerns in a phone conversation, June 3, 2015, about resting treatment areas from livestock for two years and the use of forage kochia, a non-native sub-shrub. These concerns are addressed in PDEs 4, 5, and 6.

E. Interdisciplinary analysis

Specialist Signature and Date: Travis Miller 8/20/15
Travis Miller, Wildlife Biologist

Specialist Signature and Date: Scott Thomas 8/14/15
Scott Thomas, District Archeologist

Specialist Signature and Date: Lindsay Davies 7/19/2015
Lindsay Davies, Fisheries Biologist

Specialist Signature and Date: Caryn Burri 8.13.15
Caryn Burri, Botanist

Specialist Signature and Date: Eric Haakenson 8-19-15
Eric Haakenson, Recreation Planner and Wilderness

Specialist Signature and Date: Lesley Richman 8/19/2015
Lesley Richman, District Weed Coordinator

Note: Refer to the EA/Environmental Impact Statement (EIS) for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

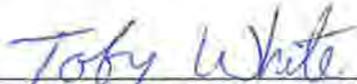
F. Others consulted: Identify other individuals, agencies or entities that were consulted with as part of completing the NEPA analysis.

1. Burns Paiute Tribe
2. Oregon Department of Fish and Wildlife
3. Oregon Natural Resources Council
4. Interfor Pacific
5. Harney County Watershed Council
6. Harney County Courthouse

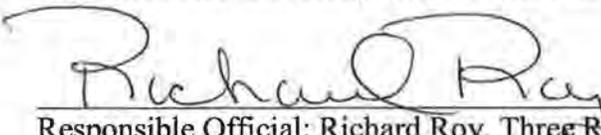
7. Harney County Soil and Water Conservation District
8. U.S. Fish and Wildlife Service, LaGrande Office
9. Grazing Permittees
10. Private Land Owners

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable LUP and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.


 Project Lead: Toby White, District Fuels Planner 8/21/15
Date


 NEPA Coordinator: Holly Orr, District Planning and Environmental Coordinator 8/21/15
Date


 Responsible Official: Richard Roy, Three Rivers Resource Area Field Manager 8/21/15
Date

Decision

It is my decision to implement the Proposed Action with PDEs as described above.

Appeal process

Within 30 days of receipt of this decision, you have the right to appeal to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with regulations at 43 CFR § 4.4. An appeal should be in writing and specify the reasons, clearly and concisely, as to why you think the decision is in error. A notice of appeal and/or request for stay electronically transmitted (e.g. email, facsimile, or social media) will not be accepted. A notice of appeal and/or request for stay must be on paper. If an appeal is taken, your notice of appeal must be filed in the Burns District Office at 28910 Highway 20 West, Hines, Oregon 97738. The appellant has the burden of showing that the decision is in error.

A copy of the appeal, statement of reasons, and all other supporting documents should also be sent to the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, Oregon 97205. If the notice of appeal did not include a statement of reasons for the appeal, it must be sent to the IBLA, Office of Hearings and Appeals, 801 North Quincy Street, Arlington, Virginia 22203. It is suggested appeals be sent certified mail, return receipt requested.

The appellant may wish to file a petition for a stay (suspension) of this decision during the time that the appeal is being reviewed by the IBLA pursuant to 43 CFR 4.21. The petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must be submitted to each party named in this decision and to the IBLA and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

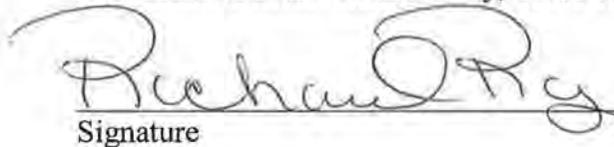
Standards for obtaining a stay—except as otherwise provided by law or other pertinent regulation, a petition for a stay of decision pending appeal shall show sufficient justification based on the following standards (43 CFR 4.21(b)):

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer.

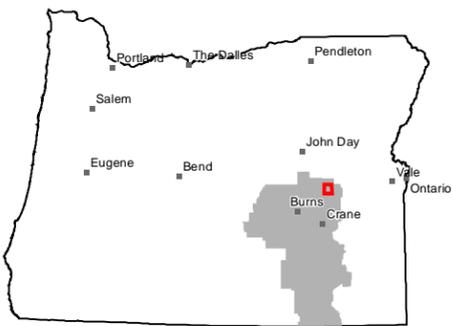
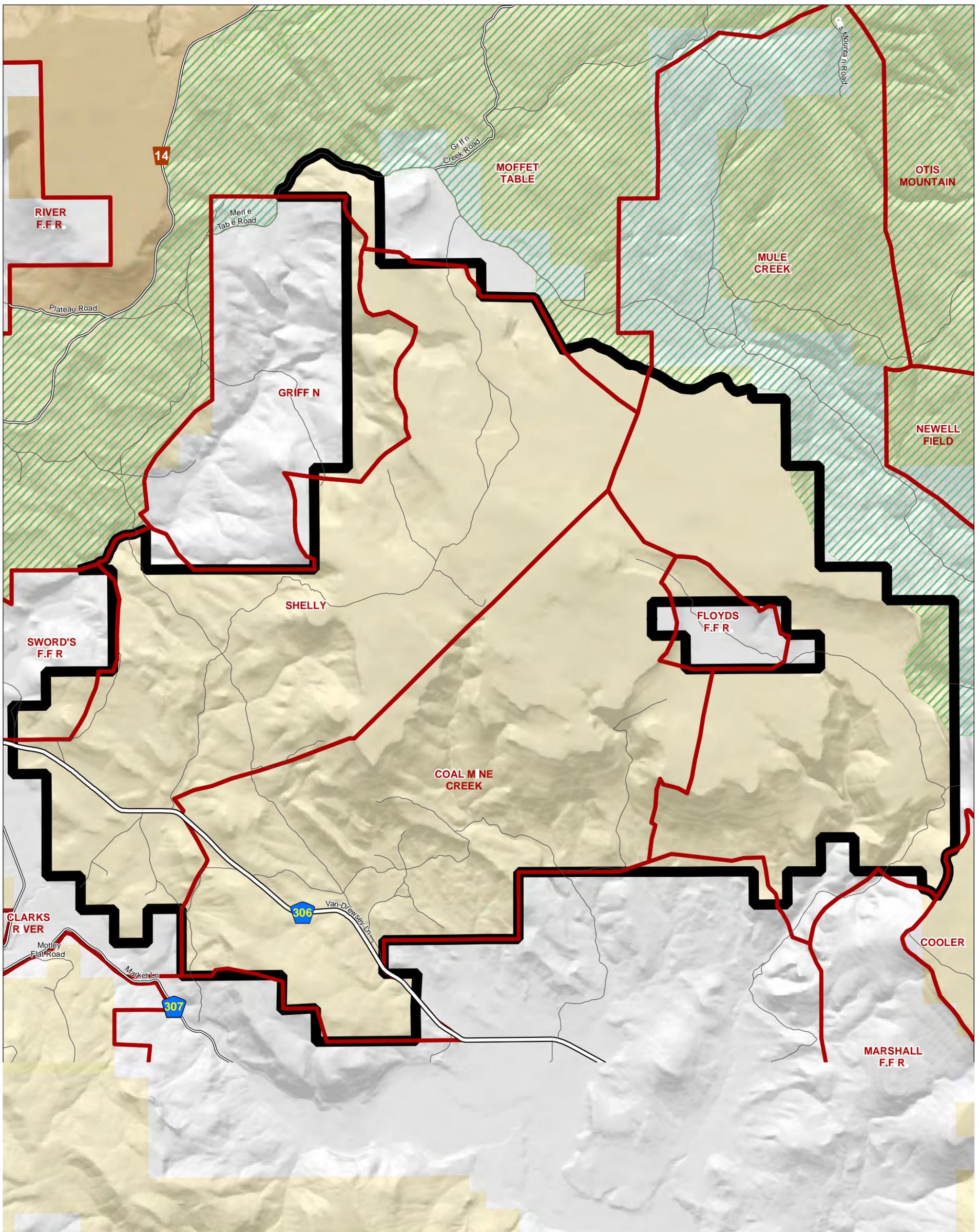
A notice of appeal and/or request for stay electronically transmitted (e.g. email, facsimile, or social media) will not be accepted. A notice of appeal and/or request for stay must be on paper.

Authorized Officer: Richard Roy, Three Rivers Resource Area Field Manager


Signature


Date

Merlie Table Greater Sage-grouse Habitat Restoration Project Area



-  Project Area - 14,872 Acres
-  Otis Mountain/Moffet Table Vegetation Management - 35,942 Acres
-  Allotments
-  BLM Wilderness Study Area
-  Bureau of Land Management
-  Private/Unknown
-  Paved Road
-  Non-Paved Improved Road
-  Natural/Unknown Road Surface



US DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Burns District, Oregon

Note: No warranty is made by the Bureau of Land Management as to the accuracy, reliability or completeness of these data for individual or aggregate use with other data. Original data was compiled from various sources and may be updated without notification.